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Roger Waters lends star power to Ecuadorians' \$9.5B Chevron fight

By COLIN PERKEL The Canadian Press
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Two groups of Indigenous Ecuadorian villagers, backed by some star power from legendary British rocker Roger Waters, faced off briefly against oil giant Chevron in a Canadian court Tuesday as they fight to collect on a \$9.5-billion (U.S.) judgment awarded to them.

But as with almost every other step of the long-running legal battle, the case was delayed a day at the request of one of the groups to allow their new lawyer to get up to speed.

Pink Floyd bassist Roger Waters was at a Toronto court on Tuesday to show “solidarity” for Ecuadorian villagers in their long-running case against Chevron for alleged environmental contamination. (The Canadian Press)

The first issue Ontario’s top court needs to sort out is whether the villagers must come up with almost \$1 million as a security deposit before they can appeal a ruling that went against them.

Pink Floyd co-founder Waters, who was in the courtroom, called the case deeply important.

“It’s a fundamental question of whether corporations like Chevron . . . should be allowed to use their financial muscle to destroy people with an absolute vital claim to reparations for damages that was caused to them over many years,” Waters said before the hearing. “The way Chevron has behaved here is against everything that any of us might believe society ought to be like.”

The case dates back decades when Texaco, now owned by Chevron, dumped billions of litres of toxic oil-drilling waters into hundreds of open-air pits in Ecuador. According to the plaintiffs, the affected area sees, among other problems, the highest rates of childhood leukemia in the country and far more cancer deaths and miscarriages than elsewhere.

Chevron calls the health concerns a “point of debate,” saying there’s no evidence to tie any issues to Texaco.

The lawsuit, filed in 1993 on behalf of 30,000 Ecuadorians, took until late 2013 when the courts in Ecuador awarded the Indigenous plaintiffs US\$9.5-billion — one of the largest awards ever arising from environmental destruction.

The ruling, which Chevron argued was obtained fraudulently, sparked new rounds of fighting in several countries, including the United States. U.S.-based Chevron, which has also long argued Texaco cleaned up the mess, denies any responsibility for the contamination.

Because the corporation no longer has assets in Ecuador, the plaintiffs have been trying to get asset-rich Chevron Canada to pay up instead, arguing the Canadian company should be liable.



Roger Waters, centre, with Canadian Indigenous leader Phil Fontaine, left, and Paul Paz y Mino, associate director of Amazon Watch in Toronto on Tuesday. (CHRIS YOUNG / THE CANADIAN PRESS)

“The judgment that they are trying to enforce through Canada’s judicial system has been found to be a complete fraud in the United States by the U.S. judicial system where it is not enforceable,” Morgan Crinklaw, a spokesman for Chevron, said Tuesday from near San Francisco.

An Ontario judge earlier backed Chevron, ruling the Ecuadorians could not “pierce the corporate veil.” Chevron Canada is a separate entity and cannot be held liable. It is that decision the plaintiffs are looking to the Ontario Court of Appeal to overturn, but Chevron wants the villagers to put up cash as security for its legal costs before the appeal is heard.

Last month, Appeal Court Justice Gloria Epstein sided with Chevron. She accepted the grounds for the Ecuadorians’ appeal were weak and that the plaintiffs had failed to show they couldn’t afford the security money. She ordered the villagers to put up \$945,000 to cover Chevron’s legal costs if the oil company wins on appeal.

The plaintiffs, who decried Chevron's gambit as an abuse of the legal system and another attempt to thwart the villagers, want the Appeal Court to set aside Epstein's costs ruling.

The two sides were to argue the case Tuesday, but lawyer Peter Grant asked for an adjournment, saying he had recently been asked to represent 10 of the 47 Ecuadorian plaintiffs and needed time. The costs hearing will now be heard Wednesday.

Also on hand to show support for the villagers was Phil Fontaine, former national chief of the Assembly of First Nations. Fontaine, who recently visited the South American country, said he was dismayed by what he found.

"We saw with our own eyes the terrible conditions," Fontaine said. "This is an important step in their attempt to seek justice."

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